

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

**WRIT PETITION Nos.17809, 17817, 17838, 17978, 17979,
18042, 18079, 18148 of 2015**

BETWEEN

B.Ram Mohan Reddy and others

... PETITIONER

AND

The State of Andhra Pradesh, Rep. by its Principal Secretary (Department of Revenue), A.P. Secretariat Building, Hyderabad and others.

...RESPONDENTS

The Court made the following:

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COMMON ORDER:

Heard.

2. In all these writ petitions, the common grievance of the petitioners is that the registering authorities are not entertaining the documents with respect to the sale transactions when presented and are insisting upon production of no objection certificates from the revenue authorities. All these writ petitions were heard on 19.06.2015 when the learned counsel for the petitioners as well as the learned Government Pleader have placed before the court various decisions of this court dealing with the similar grievances.

In view of the binding precedents of at least two Division Bench judgments, in my view, these writ petitions can be disposed by following the ratio of the said decisions.

3. In ***G.Narasaiah and another v. State of A.P.***^[1] a Division Bench of this court, to which I am a party, came to hold that the Sub-Registrar concerned cannot refuse to entertain the document even before it is presented for registration and as and when such document is presented for registration, the Registrar has to examine the same in terms of the provisions of the Registration Act and if for any reason he is not satisfied, he has to give a refusal endorsement with reasons, which is required to be recorded in Book 2 maintained by the Registrar. Such refusal endorsement undoubtedly is appealable.

Thus, the Registrar cannot decline to accept the document on its presentation to him. The ratio of the said decision was reiterated by another Division Bench in W.A.No.1653 of 2013 dated 01.10.2013, wherein the other limb of the contention of the petitioners is also considered. It was held that the department cannot insist on production of no objection certificates as there is no provision of law and that the Government officials must act in accordance with the provisions of law and not by any other self styled imposition of norms. Thus, the demand for production of no objection certificate is nothing but an arbitrary action and this sort of action should be dealt with firm hand. Consequently, a direction was issued to the registering authority that no government official shall act or take action in any manner unless that official concerned is authorized by law. Accordingly, the no objection certificate, which has hitherto been asked for registration of the document, shall not be demanded any more unless it is authorized by an appropriate enactment with prospective effect and not retrospective effect. The said decision was also followed by a learned single judge of this court in W.P.No.16003 of 2015 and batch dated 09.06.2015.

4. In the light of the ratio aforesaid, these writ petitions are also disposed of directing the registering authorities concerned to receive and process the documents presented by the petitioners without insisting upon the no

objection certificates to be obtained by them. The registering authorities concerned is further directed to receive and process the document in accordance with the Registration Act, 1908 and Indian Stamp Act, 1899 and if the document is in conformity with the provisions, thereafter register and release the documents in accordance with the due procedure. It is also made clear that in the event of registering authority not being satisfied with the compliance under the Registration Act or the Stamp Act, appropriate refusal endorsement together with reasons shall be recorded and communicated to the parties in terms of Section 71 of the Registration Act.

All the writ petitions are accordingly, disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

June 22, 2015

Note:-

Furnish copy by Monday.

{B/o}

Lmv

[\[1\]](#) 2011(3) ALT 415 (DB)